

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY E. KIBLER	:	CIVIL ACTION
	:	
	:	
v.	:	NO. 02-CV-3010
	:	
WORLD FINANCIAL NETWORK	:	
NATIONAL BANK	:	

ORDER

AND NOW, this 5th day of March, 2003, upon consideration of Defendant World Financial Network National Bank's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(6) (Document No. 9), the plaintiff's response, the defendant's reply brief, and the plaintiff's supplemental brief, it is **ORDERED** that the Motion is **DENIED**.¹

TIMOTHY J. SAVAGE, J.

¹Fed.R.Civ.P. 8(e)(2) permits a plaintiff to plead alternate claims. Plaintiff has pled negligence against World Financial based on vicarious liability and negligent supervision of its employee. Despite the contradiction of these theories, plaintiff has sufficiently pled both claims to withstand dismissal under Fed.R.Civ.P. 12(b)(6).